Feb-12-04 12:17PM;

Page

Petition to Misc. Later

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GIBBONS, GUTMAN,
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Robert C. Kain, Jr. rkain@FocusOnlP.com

#### FACSIMILE COVER SHEET

In re Application of Robert J. DiStasio, et al

Serial No. 10/015,408

Filed:

December 12, 2001

For:

REMOVAL TOOK FOR LOCKING NUT, BOLT AND CLIP SYSTEMS AND

**ASSEMBLIES** 

Calling:

703-305-8825

Number of pages including cover sheet: 15

Attention:

**ANDREW FAILE** 

From:

Ellen Kotler for Robert C. Kain, Jr.

Fleit, Kain, Gibbons, Gutman, Bongini & Bianco, P.L.

750 Southcast Third Avenue, Suite 100 Ft. Lauderdale, Florida 33316-1153

Return Fax Number: 954-768-0158

IF YOU DO NOT PROPERLY RECEIVE THIS FAX PLEASE CALL (954-768-9002)

Mr. Faile:

Confirming our telephone conversation on February 12, 2004, attached are copies of all the papers filed in the above case. Thank you in advance for getting these documents to Joe Hail.

Ellen Kotler, Paralegal

\\Tiger\data share\RCK\CLIENTS\BALL\6177-16 TRANS.FAX.2-12-04-Faile.wpd

HP LaserJet 3100 Printer/Fax/Copier/Scanner

954 768 0158;

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Page 2

SEND CONFIRMATION REPORT for FKGGB\*FTL--KAIN 954 768 0158 Feb-12-04 9:16AM

Job Start Time Usage Phone Number or ID Type Pages Mode Status 612 2/12 9:13AM 2'56" **USPTO** Send..... 14/14 EC144 Completed.....

Total

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Pages Sent: 14

Pages Printed: 0

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WWW.FleitKaln.com

#### FACSIMILE COVER SHERT

In re Application of Robert J. DiStasin, et al.

Serial No. 10/015,408

Filod:

Demoks 12, 2001
REMOVAL TOOK FOR LOCKING NUT, DOLT AND CLIP SYSTEMS AND ASSEMBLIES

Calling: 703-872-9306
Number of pages including cover sheet: 14

Attention: Joseph J. Hail, III

From:

Robert C. Kain, Jr.

Holt, Kain, Gibbons, Gutman, Bongini & Binneo, P.L. 780 Southeast Third Avonne, Suite 100

Pt. Lauderdale, Florida 33316-1153

Return Fax Number: 954-768-0158

IF YOU DO NOT PROPERLY RECEIVE THIS FAX PLEASE CALL (054-768-9602)

I hereby certify that the following communication (2 pgs.) with attachments (11 pgs.) are being factionile transmitted to the U.S. Patent and Trademark Office, Affendion Supervisor Joseph H. Hail, III., central that number 703-872-9306, on Petruary 12, 2003.

-Mary Review Testall 4177-15 Transfall-19-6-

ahert C. Keln. Jr.



# FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L.

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#### FACSIMILE COVER SHEET

In re Application of Robert J. DiStasio, et al

Serial No. 10/015,408

Filed:

December 12, 2001

For:

REMOVAL TOOK FOR LOCKING NUT, BOLT AND CLIP SYSTEMS AND

ASSEMBLIES

Calling:

703-872-9306

Number of pages including cover sheet: 14

Attention:

Joseph J. Hail, III

From:

Robert C. Kain, Jr.

Fleit, Kain, Gibbons, Gutman, Bongini & Bianco, P.L.

750 Southeast Third Avenue, Suite 100 Ft. Lauderdale, Florida 33316-1153

Return Fax Number: 954-768-0158

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I hereby certify that the following communication (2 pgs.) with attachments (11 pgs.) are being facsimile transmitted to the U.S. Patent and Trademark Office, Attention Supervisor Joseph H. Hail, III, central fax number 703-872-9306, on February 12, 2003.

Robert C. Kain, Jr.

\\Tiger\data shere\RCK\CLIENTS\BALL\\\\6177-16 TRANS.FAX.2-12-04.wpd

**PATENTS** 

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Robert J. DiStasio, et al.

Serial No. 10/015,408

Examiner James Smith

Filed: December 12, 2001

Group 3723

For:

Removal Tool for Locking Nut, Bolt and Clip Systems and Assemblies

# Communication

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This is a further response to the Notice of Abandonment dated December 23, 2003. Please debit or credit Deposit Account No.03-1231 for any overpayments/underpayments.

On February 7, 2003 applicant filed a response via facsimile to the Communications from the U.S. Patent and Trademark Office dated December 16, 2002 and January 31, 2003. A copy of that response with the facsimile cover sheet and our send confirmation report are enclosed. Applicant's attorney and paralegal have had numerous telephone conversations with Supervisor Joseph J. Hail, III regarding this case and have sent Mr. Hail, via telefax, copies of the response, request to withdraw holding of abandonment, telefax confirmation sheets. Copies of all documents showing attempts to take care of this matter are attached.

Sent By: FKGGB\*FTL--KAIN;

It is respectfully requested that the abandonment of this application be withdrawn and that this case proceed to allowance.

Respectfully submitted,

\_\_\_\_\_

Feb 12,2004

Robert C. Kain, Jr.

Reg. No. 30,648

Fleit, Kain, Gibbons, Gutman, Bongini & Bianco, P.L.

750 Southeast Third Avenue, Suite 100

Ft. Lauderdale, Florida 33316-1153

Telephone:

954-768-9002

Facsimile:

954-768-0158

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Feb-12-04 12:18PM;

Page 6

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Total

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Pages Sent: 8

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www.FleltKain.com

PACSIMILE COVER SHEET

1/28/04

In re Application of Robert J. DiStazio, et al Smial No. 10/015,406

1/29/04 212-104

PilaJ: For:

Decembe 12 2001

REMOVAL TOOK FOR LOCKING NITT, FOLT AND CLIP SYSTEMS AND ASSEMBLIES

Calling 703-746-3267

Number of pages including cover sheet: 8

Attention: Joseph J. Hiril, III

Ellen Kotler for Robert C. Kain, Jr.

Fleit, Kain, Gibbans, Gutman, Bonglai & Dianca, P.L. 750 Southers Third Avenue, Sulle 100

Pt. Lauderdale, Florida 33316-1153

Rettern Fax Number: 954-768-0118

IF YOU DO NOT PROPERLY RECEIVE THIS FAX PLEASE CALL (954-768-9002)

Mr. Hail: - This is The 318 Ting This has bew

Mr. Hail:

Confirming our telephone conventation on January 28, 2004, attached are capies of our Request to Withdraw Holding of Abundooment Response with Facsimile Cover Sheet and Send Confirmation Report in the above case. We filed a timely response on February 7, 2003 to an Office Action dated January 31, 2003. Can you please help us with this case which about due trave gone abandoned.

Thank you.

Ellen Kotler, Persiegal

PAR PROPERTY MATERIALISM THE THAN THE THAN

FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCOPL.

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Robert C Kets, Jr.

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**FACSIMILE COVER SHRRT** 

1/24/04

In to Application of Robert J. DiStatio, et al Social No. 10/015,408

1/29/04

Filat:

For:

December 12, 2001
REMOVAL TOOK FOR LOCKING NUT, BOLT AND CLIP SYSTEMS AND

Calling: 703-746-3267

Number of pages including cover short: 8

Attention: Joseph J. Hall, III

Prom:

Ellen Koxler for Robert C. Kain, Jr. Flait, Kain, Gibbons, Gutman, Bongini & Bisaco, P.L. 750 Southeast Third Avenus, Suite 100

Pt. Laudordulu, Florida 33316-1153

Mecum Fax Number: 954-768-0158

IF YOU DO NOT PROPERLY RECEIVE THIS FAX PLEASE CALL (954-768-9002)

Mr. Hail:

Confirming our telephone conversation on lannery 28, 2004, anachol are capies of our Request to Withdraw Holding of Abandonment, Response with Facelmin Cover Sheet and Send Confirmation Report in the above case. We filed a timely response on February 7, 2003 to an Office Action dated lannery 31, 2003. Can you please bely us with this case which should not have gone abandoned.

Think you,

Ellen Kotter, Paralegal

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FACSIMILE COVER SHEET

In to Application of Robert J. DiStraio, et al

Serial No. 10/015,408 Filed: December 12, 2001

REMOVAL TOOK FOR LOCKING NITT, ROLT AND CLIP SYSTEMS AND ASSEMBLIES

Calling: 703-746-3267

Number of pages including cover sheet: 9

Attention: Joseph J. Hall, III

From:

Ellen Kotter for Robert C. Kain, Jr. Flett, Kain, Gibbona, Gutman, Borgini & Bianco, P.L. 750 Southeast Third Avenue, Suite 100

Pr. Lauderdale, Plorida 33316-1153

Return Fax Number: 954-768-0158

IF YOU DO NOT PROPERLY RECEIVE THIS FAX PLEASE CALL (954-768-9002)

Confirming our telephone conversation on January 28, 2004, attached are copies of our Request to Withdraw Holding of Abandamment, Response with Facalmite Cover Sheet and Sand Confirmation Report in the above case. We filed a timely response on February 7, 2003 to an Office Action dated January 31, 2003. Can you please bely us with this case which about d not have gone standoned.

Thank you.

Effen Kotter, Paralogal

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## FACSIMILE COVER SHEET

1/28/04 1/29/04

In re Application of Robert J. DiStasio, et al

Serial No. 10/015,408

Filed:

December 12, 2001

For:

REMOVAL TOOK FOR LOCKING NUT, BOLT AND CLIP SYSTEMS AND

**ASSEMBLIES** 

Calling:

703-746-3267

Number of pages including cover sheet: 8

Attention:

Joseph J. Hail, III

From:

Ellen Kotler for Robert C. Kain, Jr.

Fleit, Kain, Gibbons, Gutman, Bongini & Bianco, P.L.

750 Southeast Third Avenue, Suite 100 Ft. Lauderdale, Florida 33316-1153

Return Fax Number: 954-768-0158

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Mr. Hail:

Confirming our telephone conversation on January 28, 2004, attached are copies of our Request to Withdraw Holding of Abandonment; Response with Facsimile Cover Sheet and Send Confirmation Report in the above case. We filed a timely response on February 7, 2003 to an Office Action dated

January 31, 2003. Can you please help us with this case which should not have gone abandoned.

Thank you.

Eilen Kotler, Paralegal

\\Tiger\data share\KCK\CLIENTS\BALL\6177-16 TRANS.FAX.1-28-04.wpd

Feb-12-04 12:19PM;

Page 10/16

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#### FACSIMILE COVER SEREN

la re Application of Robott I. DiStatio, et al Social No. 10/015,408

Filed:

DOCUMENT 12, 2001
REMOVAL TOOK POR LOCKING NUT, BUILT AND CUP SYSTEMS AND ASSEMBLES

Calling: 7113-872-9302

Number of pages including cover sheet: 6

Attention:

Examiner James Smith

Group 1723

Mans.

Roben C. Kain, 1r. Pleit, Kain, Gibbons, Gutman, Bongini & Bianco, P.L. 750 Sootheast Third Avenue, Suits 100

Ft. Lauderdale, Florida 33:10-1153

Return Fix Number: 954-768-0158

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## CERTIFICATION OF FACSIMILE TRANSMISSION

I bereby certify that the following Request to Withdrew Holding of Abandonmunt (I pg.), Response with Facstralite Cover-Short and Sond Confirmation Report (4 pgs.) in the above captioned case are being facsimile transmitted to the U.S. Palent and Trademark Office. Examiner James Smith, Fax Number 703-872-9302 on the date shown below.

Robert C. Kain, Jr. Rog Ma 30,648

Date: December 39, 2003

FLEIT, KAIN,
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Robert C. Kain, Jr. rkain@FocusOnIP.com

#### FACSIMILE COVER SHEET

In re Application of Robert J. DiStasio, et al

Serial No. 10/015,408

Filed:

Dccember 12, 2001

For:

REMOVAL TOOK FOR LOCKING NUT, BOLT AND CLIP SYSTEMS AND

**ASSEMBLIES** 

Calling:

703-872-9302

Number of pages including cover sheet: 6

Attention:

Examiner James Smith

**Group 3723** 

From:

Robert C. Kain, Jr.

Fleit, Kain, Gibbons, Gutman, Bongini & Bianco, P.L.

750 Southeast Third Avenue, Suite 100 Ft. Lauderdale, Florida 33316-1153

Return Fax Number: 954-768-0158

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### CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following Request to Withdraw Holding of Abandonment (1 pg.), Response with Facsimile Cover Sheet and Send Confirmation Report (4 pgs.) in the above captioned case are being facsimile transmitted to the U.S. Patent and Trademark Office, Examiner James Smith, Fax Number 703-872-9302 on the date shown below.

Robert C. Kain, Jr. Reg. No. 30,648

Date: December 30, 2003

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12/30/2003 09:10

Sent By: FKGGB\*FTL -- KAIN:

Feb-12:04 12:20PM;

Page 12/16

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PAGE Page 3/3

PATENTS IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Robert J. DiStasio, et al.

Scrial No. 10/015,408

Examiner James Smith

Filed: December 12, 2001

Group 3723

Removal Tool for Locking Nut, Bolt and Clip Systems and Assemblies

Request to Withdraw Holding of Abandonment

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This is a response to the Notice of Abandonment dated December 23, 2003. Please debit or credit Deposit Account No.03-1231 for any overpayments/underpayments.

On February 7, 2003 applicant filed a response via faceimile to the Communications from the U.S. Patent and Trademark Office dated December 16, 2002 and January 31, 2003. A copy of that response with the facsimile cover sheet and our send confirmation report are enclosed.

It is respectfully requested that the abandonment of this application be withdrawn and that this case proceed to allowance.

Respectfully submitted,

Robert C. Kain, Jr.

Reg. No. 30,648

Fleit, Kain, Gibbons, Gutman, Bongini & Bianco, P.L.

750 Southeast Third Avenue, Suite 100

Ft. Lauderdala, Florida 33316-1153

Telephone:

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Facsimile:

954-768-0158

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Page 13/16

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## FACSIMILE COVER SHERT

In the Application of Robert J. DiStatio, et al.

Scriel No. 10/015,408

Filot: For:

December 12, 2001
REMOVAL TOOK FOR LOCKING NUT, BOLT AND CLIP SYSTEMS AND

ASSEMBLIES

Calling: 703-305-3579 Number of pages including cover sheet: 3

Attention:

**Examiner Jemes Smith** 

Crossp 3773

Robert C. Kain, Jr. Picit, Kaln, Gibbons, Guinun & Bongici, P.L. 750 Southann Third Avenus, Suite 100 Ft. Landerdaln, Plotida 33116-1133

Return Flux Number: 954-768-0158

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# CERTIFICATION OF FACILIMILE TRANSMISSION

I HEREBY CERTIFY THAT THE POLLOWING RESPONSE (2 pm) IN THE ABOVE CAPTIONED CASE IS BEING PACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE, EXAMINER JAMES SMITH, FAX NUMBER 703-305-3579 ON THE DATE SHOWN BELOW.

Robert C. Kein, Jr. Reg. No. 30,648

Detc: February 7, 2003

FLEIT, KAIN, GIBBONS, GUTMAN & BONGINI P.L.

ATTORNEYS AT LAW

Miami - Fort Lauderdale - Boca Raton

750 Southeast Third Avenue

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Feb-12-04 12:20PM:

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Robert C. Kain, Jr. William R. Trueba, Jr.

rkain@fleitkain.com wtrueba@fleitkain.com

# FACSIMILE COVER SHEET

In re Application of Robert J. DiStasio, et al

Serial No. 10/015,408

Filed:

December 12, 2001

For:

REMOVAL TOOK FOR LOCKING NUT, BOLT AND CLIP SYSTEMS AND

**ASSEMBLIES** 

Calling:

703-305-3579

Number of pages including cover sheet: 3

Attention:

**Examiner James Smith** 

**Group 3723** 

From: ....

-Robert C. Kain, Jr.

Fleit, Kain, Gibbons, Gutman & Bongini, P.L.

750 Southeast Third Avenue, Suite 100 Ft. Lauderdale, Florida 33316-1153

Return Fax Number: 954-768-0158

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# CERTIFICATION OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY THAT THE FOLLOWING RESPONSE (2 pgs) IN THE ABOVE CAPTIONED CASE IS BEING FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE, EXAMINER JAMES SMITH, FAX NUMBER 703-305-3579 ON THE DATE SHOWN BELOW.

Robert C. Kain, Jr. Reg. No. 30,648

Date: February 7, 2003

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**PATENTS** 

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Robert J. DiStasio, et al.

Serial No. 10/015,408

Examiner James Smith

Feb-12-04 12:21PM:

Filed: December 12, 2001

Group 3723

Removal Tool for Locking Nut, Bolt and Clip Systems and Assemblies

# RESPONSE

Commissioner for Patents Washington, D.C. 20231 Box Non-Fee Amendment

Sir:

This is a response to the Communication dated January 31, 2003 and December 16, 2002. Please debit or credit Deposit Account No.03-1231 for any overpayments/underpayments.

Applicant seeks to patent the combination of the removal tool and the locking nut and bolt claimed in claims 7 and 8 (generic) and specifically claim 13. See Figs. 116, 117, and the modification in FIGS. 92 and 93. Claim 13 relates to the combination of the tool and a specific locking insert. See FIGs. 30b, 30c, 30d, 30f and 30i for this locking nut insert. FIG. 30f shows the locking nut insert disposed in the nut. FIG. 30i shows a locking nut insert partially disposed within and partially extending outboard of the nut. This is a more complex system. In any event, the present invention relates to a removal tool in combination with the locking system. This election is without traverse.

Applicant retains the right to seeks patent protection on the removal tool in a divisional or a continuation patent application.

No traverse. Claims not specified herein do not fall within elected species. The inventorship is correct. The election set forth herein is consistent with the pending parent case. In the parent case, applicant generally elected to prosecute the locking nut insert, FIGS. 30b and 30c, and the locking insert disposed in the recess of the nut (FIGs. 30f, and 35e). The present case relates to a removal tool in combination with the insert.

Respectfully submitted,

Fleit, Kain, Gibbons, Gutman & Bongini, P.L.

Robert C. Kain

Reg. No. 30,648

Suite 100

750 S.E. Third Avenue

Ft. Lauderdale, Florida 33316-1153

(954) 768-9002

Wiger data share RCK ICIJENTS BALL 16177-16 response-6d wpd

Sent By: FKGGB\*FTL--KAIN;